

LAWRENCE A. ORGAN (SBN 175503)
larry@civilrightsca.com
NAVRUZ AVLONI (SBN 279556)
navruz@civilrightsca.com
CIMONE A. NUNLEY (SBN 326915)
cimone@civilrightsca.com

CALIFORNIA CIVIL RIGHTS LAW GROUP

332 San Anselmo Avenue
San Anselmo, California 94960
Telephone: (415)-453-7352
Facsimile: (415)-785-7352

J. BERNARD ALEXANDER (SBN 128307)
ALEXANDER KRAKOW + GLICK LLP
1900 Avenue of the Stars, Suite 900
Los Angeles, California 90067
Telephone: (310) 394-0888
Facsimile: (310) 394-0811

12 Attorneys for Plaintiff OWEN DIAZ

SHEPPARD, MULLIN, RICHTER &
HAMPTON LLP
A Limited Liability Partnership
Including Professional Corporations
TRACEY A. KENNEDY, Cal. Bar No.
150782
333 South Hope Street, 43rd Floor
Los Angeles, California 90071-1422
Telephone: 213.620.1780
Facsimile: 213.620.1398
E mail
tkennedy@sheppardmullin.com

PATRICIA M. JENG, Cal. Bar No. 272262
SUSAN HAINES, Cal. Bar No. 224611
Four Embarcadero Center, 17th Floor
San Francisco, California 94111-4109
Telephone: 415.434.9100
Facsimile: 415.434.3947
E mail pjeng@sheppardmullin.com
shaines@sheppardmullin.com

Attorneys for Defendant TESLA, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DEMETRIC DI-AZ, OWEN DIAZ, AND
LAMAR PATTERSON.

20 Plaintiffs,

21 v.

22 TESLA, INC. DBA TESLA MOTORS, INC.;
CITISTAFF SOLUTIONS, INC.; WEST
23 VALLEY STAFFING GROUP;
CHARTWELL STAFFING SERVICES,
24 INC.; and DOES 1-50, inclusive.

25 Defendants.

Case No. 3:17-cv-06748-WHO

PARTIES' JOINT WITNESS LIST

Pretrial Conf. : May 11, 2020
Time: 10:00 am

Trial: June 8, 2020
Complaint filed: October 16, 2017

The parties intend to call the following witnesses:

Witness	Direct Time Estimate (hours)	Cross Time Estimate	Designating Party	Testimony Description
Melvin Berry	15 min.	15 min.	Plaintiff	Mr. Berry worked in the production department between 2015 and 2016 and he heard leads and supervisors use the N-word frequently and they used to word to him. He complained to HR and nothing was done.
Maggie Crosby	15 min.	15 min.	Plaintiff	Ms. Crosby worked in Tesla HR and received complaints of harassment and discrimination including a complaint by Jeff Henry in December 2015 and participated in the response by Tesla to such complaints
Joyce dela Grande	40 min.	30 min.	Defendant	Associate Manager Supply Chain. Testimony about Owen Diaz's job performance, her complaints about Owen's performance and complaints from co-workers about Owen, including about his professionalism.
Monica DeLeon	30 min.	45 min.	Plaintiff and Defendant	<p><u>Plaintiff:</u> Ms. DeLeon was a staff supervisor for CitiStaff and she will testify regarding the relationship between Tesla and CitiStaff as well as the investigation into Owen Diaz's January 2016 complaint</p> <p><u>Tesla:</u> Former CitiStaff Staff Supervisor. Testimony re Owen Diaz's employment with CitiStaff, including interaction with other workers; training of CitiStaff employees; CitiStaff's anti-harassment and discrimination policy, procedure, and practices, including complaint procedures; Owen Diaz's complaints to CitiStaff and CitiStaff's involvement in Owen Diaz's complaints.</p>
Jackelin Delgado	30 min.	30 min.	Plaintiff and Defendant	<p><u>Plaintiff:</u> Ms. Delgado was VP of HR for Chartwell and investigated Owen Diaz's January 2016 complaint and reported those to NextSource and Tesla</p> <p><u>Tesla:</u> Chartwell employee. Testimony re Chartwell's anti-harassment discrimination policy, procedure, and practices, including complaint procedures; training of Chartwell employees; her investigation into Owen Diaz's complaint about Ramon Martinez's drawing.</p>

Witness	Direct Time Estimate (hours)	Cross Time Estimate	Designating Party	Testimony Description
Demetric Di-Az	30 min.	30 min.	Plaintiff and Defendant	<p><u>Plaintiff:</u> Mr. Di-Az will testify about the hostile work environment at the Tesla Factory and emotional distress damages of Owen Diaz</p> <p><u>Tesla:</u> Testimony about his communications with Owen Diaz regarding Tesla, including Owen Diaz's recommendation for him to apply to work at the Fremont facility; the alleged harassment that Owen Diaz allegedly witnessed by Demetric Di-az's supervisor; and the alleged emotional distress suffered by Owen Diaz.</p>
Owen Diaz	1:45 hours	2.0 hours	Plaintiff and Defendant	<p><u>Plaintiff:</u> Plaintiff will testify about the harassment towards him, Tesla's failure to adequately address race harassment at the Tesla factory, and his non-economic damages</p> <p><u>Tesla:</u> Testimony about his employment with CitiStaff at the Tesla facility; the alleged mistreatment he claims while assigned to the Fremont facility; any alleged complaints he made to Tesla; his communications with D. Di-az and recommendation to him and others to apply to work at the Fremont facility; the alleged emotional distress that he claims to have suffered; his work performance and discipline received while assigned to Tesla; his employment after his assignment at Tesla, including his efforts to find employment after his assignment ended.</p>
Andres Donet	15 min.	15 min.	Plaintiff and Defendant	<p><u>Plaintiff:</u> Received information regarding N-word graffiti in the bathroom near the elevator where Owen Diaz worked which he cleaned up on May 21, 2016 and he will authenticate Trial Exhibit 109</p> <p><u>Tesla:</u> <i>Tesla's Janitorial Employee Manager.</i> Testimony re cleaning of bathrooms and whether graffiti is removed during the relevant time period of Plaintiffs' assignment.</p>
Rothaij Foster	6 min.	20 min.	Plaintiff	Mr. Foster worked as an elevator operator at the Tesla factory and witnessed Ramon Martinez harass Owen Diaz
Nathan Fraim	6 min.	15 min.	Plaintiff	Mr. Fraim worked at the Tesla Factory from January to August 2017 and has knowledge of the racially harassing and discriminatory work environment and racist graffiti in

1 Witness	2 Direct Time Estimate (hours)	3 Cross Time Estimate	4 Designating Party	5 Testimony Description
				Tesla's Fremont factory and he will authenticate Trial Exhibit 110
Alfonso Franco	15 min.	15 min.	Plaintiff	Mr. Franco was an Associate Manager at the Tesla Factory while Owen Diaz worked there has general knowledge of the Tesla Factory including worker relationships between contract workers and regular employees and specific knowledge of the racially harassing and discriminatory working environment in Tesla's Fremont factory, as well as Tesla's failure to investigate and prevent harassment
Josh Hedges	15 min.	15 min.	Plaintiff	Mr. Hedges worked in Tesla HR and was aware of widespread use of the N-word including in a Dashboard in Exhibit 107
Annalisa Heisen	45 min.	45 min.	Plaintiff and Defendant	<p><u>Plaintiff:</u> Ms. Heisen was Tesla's PMK and will testify regarding Tesla's policies, practices and procedures, and training relating to harassment and discrimination</p> <p><u>Tesla:</u> <i>Tesla's 30(b)(6) witness.</i> Tesla's Human Resources policies, procedures, and practices related to anti-harassment and discrimination at the Tesla factory; general relationship with staffing agencies; internal complaint and investigative procedures during relevant time period; training of Tesla employees related to anti-harassment and discrimination policy.</p>
Jeff Henry	15 min.	15 min.	Plaintiff	Mr. Henry has knowledge of the racially harassing and discriminatory working environment Including the N-word in Tesla's Fremont factory in December 2015, as well as Tesla's failure to investigate and prevent harassment.
Demetrica Holmes	15 min.	30 min.	Plaintiff	Ms. Holmes is Owen Diaz's spouse and has information regarding Plaintiffs' emotional distress damages.
Wayne Jackson	1.0 hour	45 min.	Plaintiff and Defendant	<p><u>Plaintiff:</u> Mr. Jackson was a Program Manager for NextSource and will testify about NextSource's relationship with Tesla, the harassing conduct directed at Plaintiff and others, and his investigations into Plaintiff's complaints about Ramon Martinez.</p> <p><u>Tesla:</u> <i>On-Site Program Manager employed by NextSource.</i> Testimony re Owen Diaz's assignment at Tesla; his communications with Tesla and CitiStaff re Owen Diaz; Owen Diaz's relationships with</p>

Witness	Direct Time Estimate (hours)	Cross Time Estimate	Designating Party	Testimony Description
				other workers at Tesla; Owen Diaz's internal complaints, Wayne Jackson's involvement in the investigation of those complaints, and the outcome of the investigations.
Paul James	15 min.	15 min.	Plaintiff	Mr. James worked in Tesla HR and investigated a complaint Jeff Henry about the use of the N-word in December 2015 and can testify regarding Tesla practices in responding to complaints about the N-word.
La'Drea Jones	15 min.	30 min.	Plaintiff	Ms. Jones has information regarding Owen Diaz's emotional distress damages
Nigel Jones	15 min.	15 min.	Plaintiff	Mr. Jones worked at the Tesla factory from September 2015 to July 2017 as a contractor and from July 2017 to February 2018 as a regular Tesla employee who can talk about his transition from contractor to regular Tesla employee; Mr. Jones has knowledge of the racially harassing and discriminatory environment in Tesla's Fremont factory, including racist comments like the N-word directed at African American workers and at him and how his multiple complaints to HR in 2017 were not investigated or addressed
Tomatsu Kawasaki	45 min.	45 min.	Plaintiff and Defendant	<u>Plaintiff:</u> Mr. Kawasaki was a lead working at Tesla who supervised Owen Diaz and who investigated Owen's complaints regarding Judy Timbreza in July/Aug. 2015 and his October 2015 complaint against Ramon Martinez <u>Tesla:</u> <i>Former Elevator Lead assigned to Tesla.</i> Testimony re Owen Diaz's work performance and promotion; Owen Diaz's altercation with and complaint about Judy Timbreza; Tomatsu Kawasaki's response to altercation.
Teresa Kossayian	15 min.	15 min.	Plaintiff	Ms. Kossayian was the PMK for West Valley staffing and she will testify about the relationship between West Valley and Tesla and authenticate documents
Dewitt Lambert	15 min.	30 min.	Plaintiff	Mr. Lambert worked at the Tesla factory from 2015 to 2017 and was subjected to the N-word and complained to HR
Liza Lipson	15 min.	15 min.	Plaintiff	Associate HR Business Partner informed of the graffiti in the bathroom near elevator where Owen Diaz worked and HR practices in response to racial epithets
Charles Mahla, Ph.D.	30 min.	45 min.	Plaintiff	Dr. Mahla is an expert economist who will testify about the financial condition of Tesla, Inc.

Witness	Direct Time Estimate (hours)	Cross Time Estimate	Designating Party	Testimony Description
Josh Mantz	30 min.	15 min.	Plaintiff	Mr. Mantz worked in Tesla HR business partner from January 2015 to May 2016 and played a role in investigating the Jeff Henry complaint of harassment in December 2015 and he was in charge of leadership development training
Erin Marconi	45 min.	45 min.	Plaintiff and Defendant	<u>Plaintiff:</u> HR Business Partner who received notice of several of Owen Diaz's complaints and participated in decisions relating thereto as well as Tesla's failure to take adequate remedial action and to investigate Owen Diaz's complaints. <u>Tesla:</u> <i>Former Tesla HR Business Partner.</i> Testimony re complaint and investigation of Owen Diaz.
Ramon Martinez	45 min.	45 min.	Defendant	<i>Former Recycling Lead.</i> Testimony re his interactions with Owen Diaz; his complaint about Owen Diaz and Owen Diaz's complaint(s) about him, including outcome of complaint(s).
Veronica Martinez	45 min.	30 min.	Defendant	<i>Chartwell employee.</i> Testimony re Chartwell's anti-harassment discrimination policy, procedure, and practices, including complaint procedures; training of Chartwell employees; her investigation into Owen Diaz's complaint about Ramon Martinez's drawing.
Titus McCaleb	15 min.	15 min.	Plaintiff	Mr. McCaleb worked at the Tesla factory and from approximately November 2016 to April 2017 he witnessed and was called racial epithets including the N-word and he complained to Brandie To who worked in Tesla HR
Kevin McGinn	30 min.	15 min.	Plaintiff	Mr. McGinn is the CFO of NextSource during the time Mr. Diaz worked at Tesla and testified as the PMK and he will testify regarding the contractual relationship between NextSource and Tesla (video deposition)
Amy Oppenheimer	1.0 hour	30 min.	Plaintiff	Ms. Oppenheimer will provide expert testimony regarding the HR practices of Tesla and how those practices failed to meet the standard of care
Lamar Patterson	15 min.	30 min.	Plaintiff	Mr. Patterson will testify about the harassing conduct directed at Owen Diaz as well as harassing conduct in the same area where Owen worked as well as Tesla's failure to adequately address the harassment
Victor Quintero	1.0 hour	45 min.	Plaintiff and Defendant	<u>Plaintiff:</u> Mr. Quintero was the Custodial Program Manager and was aware of Mr.

Witness	Direct Time Estimate (hours)	Cross Time Estimate	Designating Party	Testimony Description
				Owen Diaz's complaints about racial harassment and the investigations relating thereto as well as any disciplinary records of the harassers; Mr. Quintero can also testify about the contractual relationship between Tesla and NextSource and Citistaff and the policies and procedures of Tesla <u>Tesla: Tesla's 30(b)(6) witness and Ed Romero's manager.</u> Testimony re Owen Diaz's assignment at Tesla, including his work performance and end of assignment; Ramon Martinez's performance and alleged complaints against Ramon Martinez.
Anthony Reading, Ph.D.	1.0 hour	30 min.	Plaintiff	Dr. Reading is an expert witness who will testify regarding Owen Diaz's emotional harm
Ed Romero	1:45 hours	45 min.	Plaintiff and Defendant	<u>Plaintiff:</u> Mr. Romero was Building Services contract manager and Owen Diaz's supervisor and can testify about Mr. Diaz's complaints and Tesla's response thereto, the overall working conditions at the factory, as well as the policies and practices of Tesla and the relationship between Tesla and contractors. He can also testify to other complaints of harassment including use of the N-word <u>Tesla: Owen Diaz's Manager.</u> Testimony re Owen Diaz's assignment at Tesla, including his supervision of Owen and Owen's interactions with other workers; Owen's alleged complaints that were made to Ed Romero; and Ed Romero's involvement in complaints and investigations.
Brandie To	15 min.	15 min.	Plaintiff	Ms. To will testify regarding Tesla's response to Mr. McCaleb's complaints about the N-word in April and May 2017
Rovilla Wetle	15 min.	30 min.	Plaintiff	<u>Plaintiff:</u> Ms. Wetle worked as West Valley Staffing onsite manager and she will testify regarding the relationship between Tesla and West Valley
Michael Wheeler	30 min.	15 min.	Plaintiff	Mr. Wheeler was a supervisor of Owen Diaz who has knowledge of the harassing conduct towards Owen Diaz, the investigation of said conduct, as well as the

Witness	Direct Time Estimate (hours)	Cross Time Estimate	Designating Party	Testimony Description
				hostile work environment for African Americans
Jakel Williams	15 min.	15 min.	Plaintiff	Ms. Williams has knowledge of the racially harassing and discriminatory working environment in Tesla's Fremont factory in 2018

CALIFORNIA CIVIL RIGHTS LAW GROUP
ALEXANDER KRAKOW + GLICK LLP

DATED: April 27, 2020

By: /s/

Lawrence A. Organ, Esq.

Navruz Avloni, Esq.

Cimone A. Nunley, Esq.

J. Bernard Alexander, Esq.

Attorneys for Plaintiffs

DEMETRIC DI-AZ AND OWEN DIAZ

Dated: April 27, 2020

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

By

/S/

TRACEY A. KENNEDY

PATRICIA M. JENG

SUSAN HAINES

Attorneys for Defendant
TESLA, INC. dba TESLA MOTORS, INC.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28